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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,028	06/15/2005	Michael Perkuhn	DE 020292	2557
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EXAMINER CATTUNGAL, SANJAY				
ART UNIT		PAPER NUMBER		
3768				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/539,028

Applicant(s)

PERKUH ET AL.

Examiner

SANJAY CATTUNGAL

Art Unit

3768

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 11/20/09 have been fully considered but they are not persuasive. Applicant argues that the reference does not teach "providing a signal characteristic to a power loss of a resonant circuit". Examiner would like to point out that the Applicant's specification page 5, define detecting power loss via change in magnitude of the signal, which is inherently present in any electric circuit, a loss in magnitude of signal would mean a power loss or loss in signal. As such all claim limitations have been met and the rejection is maintained and is made final.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claims 15 and 16** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Regarding **Claims 15 and 16**, Applicant claims recite "a feedback loop arranged so that a voltage controlling amplitude of the resonant circuit is proportional to a radio frequency power delivered by the RC circuit". Examiner would like to point out that, the relationship between the feed back loop and the resonant circuit is not understood, as

such the utility and/or the function of the feedback loop and how it limits the claim is not clear.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 1, 3, 4, 11, 17, 18, and 20 rejected under 35 U.S.C. 102(e) as being anticipated by U. S. Patent No. 6,359,449 to Reining et al.**

7. Regarding **Claims 1, 3, and 11**, Reining teaches a system for noninvasive measuring of a conductivity in a volume, said system comprising magnetic means arranged as a resonant circuit (Fig. 1 elements 14 and 16), said magnetic means being arranged to induce an oscillating magnetic field in said volume (Abstract and Fig. 1 element 14 and 16), said system further comprising power supply means connectable to said magnetic means (Col. 4 lines 40-47)); magnetic means is integrated into an insulating fabric carrier (fig. 1 element 22); a detector to detect and derive information (Fig. 5 element 58); and an alarm to trigger an alarm upon detection of said information (Fig. 5 element 58). Providing a signal characteristic to a power loss (Applicants specification page 5, define detecting power loss via change in magnitude of the signal)

which is inherently present in any electric circuit, a loss in magnitude of signal would mean a power loss or loss in signal.

8. Regarding **Claim 4**, Reining teaches that the fabric carrier is part of clothing (Fig. 1 element 22).

9. Regarding **Claims 17**, Reining teaches that the oscillating magnetic field in the target volume is an eddy current which generate a secondary magnetic field pointing in the opposite direction with respect to a primary magnetic field produced by the resonant circuit as its inherent due to Faraday's law as admitted by applicant in Page 6 of the specification.

10. Regarding **Claims 18**, Reining teaches that the secondary magnetic field induces an electromotive force in the magnetic means, said electromotive force having a phase which is 180° relative to a driving current circulating through the resonant circuit as its inherent due to Faraday's law as admitted by applicant in Page 6 of the specification.

11. Regarding **Claim 20**, Reining teaches a signal interpretation unit which detects abnormal condition of a user (Fig. 4 element 40), which as defined in the page 7 of the specification of the application is merely an amplitude of the signal.

12. **Claims 2, 5-10, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent No. 6,359,449 to Reining et al in view of U. S. Patent No. 5,760,688 to Kasai.**

13. Regarding **Claims 2, 8, 9**, Reining teaches all of the above claimed limitations but does not expressly teach magnetic means being arranged in a vicinity of a further volume to provide a reference signal.

14. Kasai teaches the use of a reference signal (Col. 5 lines 35-40).
15. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Reining such that the magnetic means is being arranged in a vicinity of a further volume to provide a reference signal as taught by Kasai, since such a setup would result in the system being calibrated properly for a controlled testing.
16. Regarding **Claims 5-7**, Kasai teaches that the fabric carrier is part of a furniture (Fig. 5) but does not expressly teach that the insulating fabric carrier is a bed sheet, a safety belt.
17. It would have been obvious to one of ordinary skill in the art at the time of invention to modify Reining and Kasai with a setup such that the fabric carrier is a bedsheet or a safety belt, since such a setup would result in the system being more flexible and usable in many different situations, moreover where you place the coil is merely a design choice.
18. Regarding **Claim 10**, Reining teaches that the target volume is the heart of the subject (Fig. 1 element 10 and Col. 3 lines 15-20)
19. Regarding **Claim 19**, Reining teaches the detector comprises a preamplifier (Fig. 4 element 32); a processing circuit (Fig. 4 element 20).
20. Reining does not expressly teach an analog to digital converter.
21. Kasai teaches the use of an Analog to digital converter (Fig. 11 and 12 element 101)
22. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Reining with an analog to digital converter as taught by Kasai since

such a setup would result in the signal being converted to digital form for a computer analysis.

23. **Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent No. 6,359,449 to Reining et al in view of U. S. Patent No. 4,829,285 to Brand et al.**

24. Regarding **Claim 12**, Reining teaches the use of an alarm but does not expressly teach that the alarm comprises a transmitter to transmit the alarm to a remote station responsive to the alarm signal.

25. Brand teaches the use of an alarm system that comprises a transmitter to transmit the alarm to a remote station responsive to the alarm signal (Abstract and Col. 2 lines 24-33).

26. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Reining with alarm system that comprises a transmitter to transmit the alarm to a remote station responsive to the alarm signal as taught by Brand, since such a setup would result in immediate/speedy care to the distressed user, as appropriate personnel could come to the need of the user.

27. Regarding **Claims 13 and 14**, Reining teaches a loop of conducting material between threads of fabric (Fig 1 element 10, 14, 16, and 20).

Conclusion

28. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

29. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

30. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **SANJAY CATTUNGAL** whose telephone number is (571)272-1306. The examiner can normally be reached on Monday-Friday 9-5.

31. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long Le can be reached on (571) 272-0823. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

32. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SPC

/Long V Le/

Supervisory Patent Examiner, Art Unit 3768